

February 16, 2000

*Another Day, Another Chastened Mayor*

## **Chicago's Anti-Gun Lawsuit: A Dismissal**

On February 11, an Illinois court dismissed half of the city of Chicago's lawsuit against the gun industry. Claiming the gun industry owes the city \$433 million for contributing to violent crime, Chicago became the second municipality nationwide to file suit against the gun industry. The ruling follows full dismissals of suits filed by Cleveland, Bridgeport (Conn.), and Miami [see RPC paper, "A HUD Lawsuit Against the Gun Industry? Secretary Cuomo's Assault Weapon," 1/24/00], and a partial dismissal in Atlanta. The Clinton Administration has threatened to organize a similar suit on behalf of the nation's 3,191 public housing authorities. To date, no municipality has won a case against the gun industry.

- The Illinois court rejected Chicago's attempt to sue manufacturers and area dealers for negligently entrusting firearms to criminals.
- A Florida court dismissed Miami's negligent entrustment claim. The court ruled plaintiffs "have not directed this Court to any statute or case" that gives the municipality standing to sue for negligent entrustment.
- A Connecticut court threw out Bridgeport's general negligence complaint due to lack of standing.
- An Ohio court dismissed Cincinnati's negligence complaints for numerous reasons, among them that the industry cannot control criminals' behavior.
- A Georgia court postponed ruling on Atlanta's negligence claims until summary judgment, but did dismiss the city's product liability complaint.

The Illinois court is expected to rule on a motion to dismiss Chicago's second complaint, that defendants created a public nuisance, as early as February 24. Bridgeport was found to have no standing to sue for public nuisance, while the Cincinnati and Miami courts dismissed those public nuisance complaints (among other reasons) because gun manufacturers do not create the nuisance, nor do they have any control over the criminals who do.

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